Engaging In The Interactive Process With Disabled Employees – Are You Doing It Right?



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Under various local, state and federal laws employers are obligated to provide reasonable accommodations to disabled employees. The employee is not required to specifically state that they are requesting a "reasonable accommodation." Rather, the employee need only let the employer know (verbally or in writing) that they need an adjustment or change at work for a reason related to a medical condition. The "interactive process" requires the employer and the disabled employee to engage in an open line of communication for the purpose of working together cooperatively to come up with an appropriate accommodation for the employee's disability.

The purpose of the interactive process is to identify and evaluate the viability of potential workplace accommodations to enable the disabled employee to perform the functions of their job. Although the employer should consider in good faith any accommodations suggested by the employee or their healthcare provider, the interactive process does not require the employer to provide the specific accommodation requested by the employee. At the same time, the employer cannot unilaterally determine the accommodation without first engaging in the interactive process with the employee. The basic purpose of this collaborative dialogue is to allow employers and employees to share crucial information and work toward solutions that:

- Address the employee's specific limitations
- Maintain workplace productivity and safety
- Consider multiple accommodation possibilities

Examples of accommodations that employers might be obligated to consider include:

- Modified work schedules

- Physical workplace modifications
- Environmental adjustments
- Modified equipment or devices
- Temporary or permanent relocation
- Leave time
- Modification of workplace policies
- Reassignment of non-essential job duties

Prudent employers and employees involved in human resources should:

- Establish clear procedures for handling accommodation requests
- Respond promptly to all accommodation inquiries
- Document the interactive process and good-faith efforts to accommodate the employee
- Train supervisors on interactive process obligations
- Review current accommodation practices periodically
- Consult with legal counsel when complex accommodation issues arise

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